



DATE:	February 26, 2013
APPROVED BY:	Russell Schaedlich, Secretary

**LAKE COUNTY PLANNING COMMISSION**  
**January 29, 2013**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Hausch called the meeting to order at 5:00 p.m.

**ROLL CALL**

The following members were present: Messrs. Adams, Morse, Schaedlich, Siegel, Welch (alt. for Aufuldish), Webster (alt. for Brotzman), Mmes. Hausch, Moran, and Pesec. Legal Counsel present: Asst. Prosecutor Joshua Horacek. Staff present: Mr. Radachy, and Ms. Truesdell.

**ELECTION OF OFFICERS**

As the Recorder of The Nomination Committee, Mr. Morse read and submitted the document he took as the Recorder, stating that, after a brief discussion, Geraldine Hausch was nominated to serve as Chairperson of the Commission for another term, Randy Zondag was nominated to serve as Vice-Chair for another term and Russell Schaedlich was nominated to serve as Secretary. The Committee thanked the loyal and dedicated members for their previous commitment and their agreement to serve the citizens of Lake County another year.

All agreed to serve in their respective offices.

There were no nominations from the floor.

Ms. Pesec moved to approve the officers as nominated and Mr. Siegel seconded the motion.

All voted "Aye".

**NEW MEMBER**

Commissioner Judy Moran arrived at 5:10 p.m. and was introduced to members of the Planning Commission and staff. Ms. Moran thanked everyone for inviting her to the meeting and looked forward to serving the community in this venue.

## 2013 MEETING DATES AND TIMES

Members discussed the change in time of the meeting from 5:00 to 5:30 p.m. and it was agreed upon. Also, the December 17, 2013 meeting schedule was preferred over the last Tuesday of the month of December, which is December 21, 2013.

Mr. Adams moved and Mr. Siegel seconded the motion to approve the 2013 meeting dates and times.

All voted "Aye".

## MINUTES

Mr. Siegel moved and Mr. Adams seconded the motion to approve the December 2012 minutes.

Seven voted "Aye".  
Two abstained.

## FINANCIAL REPORT

Mr. Radachy said that we have been granted a temporary budget, which covers the first quarter of 2013, and is \$76,584.50. The permanent budget is four times this amount and will be in place on April 1, 2013. This should cover our salaries and expenses for the year.

Mr. Schaedlich moved and Mr. Morse seconded the motion to approve the December 2012 financial report.

All voted "Aye".

## PUBLIC COMMENT

Students from Notre Dame-Cathedral Latin introduced themselves.

There was no public comment.

## LEGAL REPORT

Mr. Joshua Horacek said there were no legal issues to report.

## DIRECTOR'S REPORT

Mr. Radachy said that the contract with the Ashtabula County Planning Commission has been signed by the Lake County Commissioners and staff has begun reviewing zoning regulations from Austinburg Township.

Mr. Radachy said that they have been meeting with Lake Metroparks, the Health District, Mentor, Painesville City, Painesville Township, Fairport Harbor, and Grand River to apply for a TCLI grant to pay for a grant to help obtain trail funding in the future. The Transportation for Livable Communities Initiative Grant from NOACA will pay for a plan that would help to apply for funding for a Trail Grant in 2014. The ODNR grant provides funding for a trail that would connect those five communities together.

Staff has been attending the Concord Township Sign Regulation Committee. Concord wants to update their sign code. Madison Township has completed converting their zoning regulations from the SIC Codes to use a table format similar to what other townships are using.

## ANNOUNCEMENT

Mr. Radachy said that on February 21<sup>st</sup>, the Accessible Home, an Introduction to Fair Housing, Visitability and Universal Design in Affordable Housing will be offered. This is a free training program and he invited members to attend. The Northeast Ohio Planning and Zoning Workshop will be on June 7<sup>th</sup> 2013 at the Magnus Inn outside of Warren, Ohio.

## SUBDIVISION REVIEW

### Concord Township - Cali Woods No. 2, Sublot 23 Lot Split Plat Extension

This is a subdivision lot split plat that is referred to as a resubdivision. The plat has been approved and signed off by all agencies including Jason Boyd, former Secretary to the Planning Commission. The plat received a one-year extension in November, 2011. That extension expired December 31, 2012 after which they submitted their request for their second zoning extension request. They are requesting an extension on their resubdivision plat for another year. They have not filed because they have not found a buyer.

The Commission asked if the approval had expired.

Staff said no, the owner submitted the plat extension request after the December meeting, but before the December 31<sup>st</sup> deadline. This was the first available meeting.

Ms. Pesec asked if there was a fee.

Staff said the Planning Commission did not add one for this action and staff did not feel it was right to charge them the regular plat fee of \$300.00. This was more than the original fee of \$225.00

Mr. Siegel moved and Mr. Walsh seconded the motion to approve Cali Woods, No. 2, Sublot 23 Lot Split Plat Extension in Concord Township.

Seven voted "Aye".  
One opposed.

### Subdivision Activity Report

Mr. Radachy said the developers of Tanner's Farm which is a PUD on Madison Avenue just east of Park Road that proposed condominiums. The developer is considering a change to develop the land from the proposed condominiums into fee simple lots instead.

### LAND USE AND ZONING REVIEW

### **Painesville Township Text Amendments: – Amending Sections 4.01, Penalty, 8.04 (7), Township Trustee Approval of Zoning Amendment, 6.13(C)(4), 6.13 (F), (G) and (H), Fences, 36.01, Wind Turbines and 12.02 (T), (U) and (V), Conditional Uses**

Mr. Radachy said that Painesville Township was amending several items in their Zoning Resolution. Painesville Township was revising the amounts of zoning fines in Section 4.01 by changing the minimum amount of the fine from \$10 to \$50 and the maximum amount of the fine from \$100 to \$150. They were also revising Section 8.04(7) to require a majority vote of the Board of Township Trustees to modify a zoning amendment, which would bring it into compliance with ORC 519.12.

They were moving the language from Section 6.13(F) to Section 6.13(C)(4). Then, they proposed deleting 6.13(F) and renumbering 6.13(G) as 6.13(F) and 6.13(H) as 6.13(G). They also are deleting Wind Turbines as a conditional use in Section 12.02(T). They are renumbering 12.02(U) as 12.02(T) and 12.02(V) as 12.02(U) and deleting the language "(both as Permitted and Conditional Use)" from Section 36.01.

Mr. Radachy stated that ORC 519.99 was amended to allow for fines up to \$500 in 2000. He mentioned that Concord Township and Perry Township state that zoning violations are misdemeanors and punishable by that section of law. Concord states that the fines shall be no larger than the maximum allowed under ORC 519.99 and Perry Township classifies the offense as a Class 3 Misdemeanor, which has a maximum fine of \$500. Classifying the offense as a misdemeanor does bring the possibility of jail time for offences.

Staff stated that Section 8.04(7) states that Trustees may request additional information. The paragraph stating it takes a unanimous vote is not part of 8.04(7), it is the last paragraph of Section 8.04.

Staff felt that the changes to Section 6.13(C)(4) and 6.13(F) will make the regulations less confusing. He also stated that outdoor dining is a conditional use. The eight-foot fence is not stated in the conditions in Section 12, so it could not be considered by the BZA.

Currently, there are no conditions for Wind Turbines in Section 12. There are conditions in Section 36 for this use. The Board of Zoning Appeals may not be able to enforce the regulations in Section 36. The removal of the Wind Turbines as a conditional use would place the responsibility of enforcing the conditions in Section 36 into the hands of the Zoning Inspector.

The Land Use and Zoning Committee recommended the following:

- Revise Section 4.01 to read the "...be fined not less than fifty dollars (\$50) not more than ***the maximum allowed under ORC 519.99***.
- The Zoning Commission should explore the model of fining that Concord and Perry Townships are currently using.
- Recommend approval on the change to Section 8.04. Recommend that Section 8.04 be divided into 8.04 (A), "The Board of Township Trustees shall, upon a receipt...", 8.04 (B), "The published notice shall set forth the time...", and 8.04 (C), "Within 20 days after...". Items 1 through 7 would be part of 8.04 (B). This would cut down on confusion.
- Recommend the changes to Sections 6.13(C)(4) and 6.13(F) and the renumbering. Recommend adding the fencing requirement or reference to Section 6.12(C)(4) in Section 12.05(L).
- Recommend removing Wind Turbines as a conditional use under 12.02(T) and renumbering the sections.
- Recommend removing the language describing Wind Turbines as permitted or conditional use from Section 36.01.

Mr. Siegel moved and Mr. Schaedlich seconded the motion to accept the recommendations of the Land Use and Zoning Committee to amend sections 4.01, Penalty, 8.04 (7), Township Trustee Approval of Zoning Amendment, 6.13(C)(4), 6.13 (F), (G) and (H), Fences, 36.01, Wind Turbines and 12.02 (T), (U) and (V), Conditional Uses.

Ms. Hausch asked if there was any discussion. She asked for a vote.

All voted "Aye".

## REPORTS OF SPECIAL COMMITTEES

### Bylaws Review Committee

Mr. Radachy said the ByLaws Review Committee did not actually meet since the last Planning Commission meeting. Staff did poll the Planning Commission members and received a response from three-quarters of the members on which method to use in appointing committee members in the future. That information will be presented to the ByLaws Committee and the final decision should be presented at the next Planning Commission meeting. A final wrap-up of the ByLaws Committee is needed to approve the final draft of the ByLaws and make a recommendation to the Board. Ms. Pesec asked for an email.

### Coastal Plan Committee – New Member

Mr. Radachy said that Cindy Quinn-Hopkins, a resident of Eastlake has applied to serve on the Coastal Plan Committee. Currently, there is no limit on representation.

## CORRESPONDENCE

There was no correspondence.

## OLD BUSINESS

There was no old business.

## NEW BUSINESS

### Lake County Subdivision Regulations

The Lake County Subdivision Regulations were approved by resolution by the Commissioners on December 20<sup>th</sup> after the December 18<sup>th</sup> Public Hearing. In order for them to be recorded, the Planning Commission must accept the County Commissioners approval. The County Commissioners did not make any changes nor were there any suggested at the Public Hearing. Mr. Radachy said we need a final approval for them to be recorded.

Ms. Hausch asked for a motion.

Ms. Pesec moved to accept the approval of the Lake County Subdivision Regulations by the Board of Lake County Commissioners. Mr. Adams seconded the motion.

There was no discussion.

All voted "Aye".

### Letter of Support Request for Willoughby - ODNR Recreation Trails Fund Grant

Mr. Radachy said that Janice Lipscomb, City of Willoughby's Economic Development Director, is applying for an ODNR Recreational Trails Fund grant to construct a multi-use path around Osborne Park to provide lake access as recommended by the City's master plan. She requested a letter of support from the Planning & Community Development Office.

Mr. Radachy read the letter.

Ms. Hausch asked for a motion.

Mr. Schaedlich moved and Mr. Adams seconded the motion to send a letter of support to Willoughby for their ODNR Recreation Trails Fund Grant request.

Seven voted "Aye".

One opposed.

### PUBLIC COMMENT

There was no comment from the public.

### ADJOURNMENT

Mr. Siegel moved and Ms. Welch seconded the motion to adjourn.

All voted "Aye".

The meeting adjourned at 5:35 p.m.